

Application No. : 10/015,811
Amdt. Dated : May 26, 2004
Reply To Adv. A. Of : March 18, 2004

REMARKS

Claims 78-89 were pending in this application. Claims 1-77 were previously canceled without prejudice or disclaimer, Claims 78-83 are currently canceled without prejudice or disclaimer. Additionally, Claims 84-88 are amended herein to adopt the recommendations of the November 13, 2003 Final Office Action.

In the Appellants' March 1, 2004 After Final Amendment, the Appellants proposed the amendments contained herein, which were subsequently denied entry in the March 18, 2004 Advisory Action. The Advisory Action alleged (1) that the amendment to Claim 84 deleting "and other surfaces of the contact hole" substantially changed the scope of Claim 84 and would require a new search, and (2) that the amendments in general do not place the application in condition for allowance because the previous rejections still stand.

Without commenting on whether the denial of the March 1, 2004 After Final Amendment was proper under M.P.E.P. § 714.13, the Appellants respectfully submit that the present amendment should be entered because it cancels half of the disputed claims, adopts the Examiner's suggestions from the November 13, 2003 Final Office Action, and removes claim objection issues for appeal. See M.P.E.P. § 1207 (stating, "Except where an amendment merely cancels claims and/or adopts examiner suggestions, removes issues from appeal, or in some other way requires only a cursory review . . . , compliance with . . . 37 CFR. 1.116 will be expected" Emphasis Added).

As for Allegation No. (1) above, the Appellants submit that the Examiner objected to this phrase in the November 28, 2003 Final Office Action. Moreover, the Appellants submit that if anything, the deletion of the phrase broadens the claim, which would not require a new search because rejections applied to a narrower claim, ostensibly apply to a broader claim. Thus, the present amendment clearly requires only a cursory review, while also significantly canceling claims and removing other issues for

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appeal. Accordingly, the Appellants respectfully request entry of the present amendments to the claims, leaving Claims 84-89 pending for consideration on appeal.

In addition, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 26, 2004

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